

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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|  | MDL No. 2540                                |
| In Re: CATERPILLAR, INC., C13<br>AND C15 ENGINE PRODUCTS<br>LIABILITY LITIGATION | Master Docket No.<br>1:14-cv-03722 (JBS-JS) |
|  | [This applies to all cases]                 |
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**ORDER DESIGNATING INTERIM CLASS COUNSEL**

This matter came before the Court pursuant to Case Management Order No. 2 at Paragraph 1 (filed August 8, 2014) (Docket Item 17), and upon the letter application of James E. Cecchi, Esquire, dated August 18, 2014 (Docket Item 22) seeking the appointment of Co-Lead Class counsel and Liaison counsel by mutual agreement of the Plaintiffs and with no objection by Defendant Caterpillar, Inc.; and

The Court finding that Co-Lead counsel are necessary in this complex case, as is Liaison counsel, who shall have the following responsibilities (*see* Joint Response to the Court's Case Management Order No. 1, Docket Item 11, paragraph 1):

- Supervising the gathering, preservation and testing of evidence for the prosecution of civil claims;
- Funding the joint litigation activities, initiating and coordinating appropriate discovery;
- Coordinating the court filings and arguments before the Court on issues common to all Plaintiffs;
- Developing and proposing to the Court schedules for the commencement, execution, and completion of all discovery on behalf of all Plaintiffs; calling meetings of counsel for Plaintiffs for any appropriate purpose,

including coordinating responses to questions of other parties or of the Court;

- Examining witnesses and introducing evidence at hearings on behalf of Plaintiffs; acting as a spokesperson for all Plaintiffs; maintaining financial records and accounts of receipts and disbursements for liability expenses;
- Consulting and hiring expert consultants and witnesses; maintaining expense reports and ultimately accounting for all receipts and payments to all Plaintiffs' attorneys and the Court;
- Organizing, supervising, directing, and delegating specific tasks to other Plaintiffs' counsel, as co-lead counsel deem appropriate;
- Requesting, receiving, and reviewing time and disbursement records from Plaintiffs' counsel, who shall maintain such records on a timely, ongoing, and accurate basis; and
- Performing such other functions as may be authorized by further Order of the Court.

Liaison counsel shall work with Co-Lead counsel in the overall management and conduct of the litigation, and Liaison counsel will be responsible for maintaining and distributing an up-to-date service list to all Plaintiffs' attorneys involved in this MDL; shall assure that they receive any orders entered by the Court, along with any documents coming from other parties and defense counsel, and ensure the file is made available to all Plaintiffs' counsel; and

The Court further finds that it is prudent to designate interim counsel to act on behalf of a putative class before determining whether to certify this action as class action, or as more than one class action, pursuant to Rule 23(g)(3), Fed. R. Civ. P.; and

For good cause shown;

IT IS, this 26th day of **August, 2014**, hereby

ORDERED that Co-Lead Interim Class Counsel shall be appointed as follows:

Ted Leopold, Esquire, of Cohen Milstein Sellers & Toll, PLLC; James C. Shah, Esquire, of Shepherd, Finkelman, Miller & Shah, LLP; and Richard Burke, Esquire, of Quantum Legal, LLC; and

IT IS FURTHER ORDERED that Liaison Counsel shall be James E. Cecchi, Esquire, of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.; and

IT IS FURTHER ORDERED that the above-named attorneys shall hereby be designated at Interim Class Counsel pursuant to Rule 23(g)(3).

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
Chief U.S. District Judge